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ORDINANCE NO. 2008-27
AN ORDINANCE AMENDING THE LAFAYETTE MUNICIPAL CODE
TITLE 13 ENTITLED BUILDINGS AND CONSTRUCTION, BY ADDING
CHAPTER 13.06 ENTITLED ELECTRICAL LICENSE REQUIRED

FILED
CITY CLERK
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WHEREAS, it has been determined, in order to protect the citizens of the City of Lafayette from electrical hazards by undertaking activities that encourage and harmonize electrical safety standards and compliance practices, encourage industry to enhance electrical safety, and encourage activities that enhance Lafayette's economy, a new code Chapter 13.06 shall be added under Title 13 of the Lafayette Municipal Code, NOW THEREFORE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA as follows:

1. Definitions; Electrical License Required; Exceptions

1.1 Definitions

- (a) **Board:** The City of Lafayette Board of Electrical Examiners.
- (b) **Commercial/Industrial:** Commercial or Industrial includes all facilities, structures, machinery, and fixtures other than those used or designed for residential purposes. Any electrician licensed to perform commercial or industrial electrical work is also licensed to perform residential electrical work.
- (c) **Days:** Calendar days.
- (d) **Electrical Contractor:** Any person, firm, corporation, or other legal entity that is engaged in the business of installing electrical power or control systems or maintaining, altering, or repairing any electrical wiring devices, equipment, or any other electrical apparatus.
- (e) **Electrical Equipment:** Electrical Equipment shall include all electrical raceways, conductors, fittings, devices, machinery, and fixtures as defined in the National Electric Code (NEC).
- (f) **Electrician:** A person who possesses the necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, equipment, light, heat, or power, as covered by the terms and provisions of this ordinance and is capable of doing work according to plans and specifications furnished to him/her in accordance with standard rules and regulations governing such work.
- (g) **Electrical Trainee:** A person working as a trainee under the direct supervision of a Licensed Electrician.

- (h) **License:** A valid and current certificate issued by the Board which shall give the named person to whom it is issued authority to engage in the activity prescribed thereon. There are five (5) types of licenses.

1. Commercial/Industrial Electrical Contractor's License

A Commercial/Industrial Contractor's License shall entitle the holder to engage in the business of electrical construction and supervision including, but not limited to, industrial, institutional, commercial, residential, and sign construction.

2. Commercial/Industrial Electrician's License

A Commercial/Industrial Electrician's License shall entitle the holder to perform all types of industrial, institutional, commercial, residential, and sign construction.

3. Residential Electrical Contractor's License

A Residential Electrical Contractor's License shall entitle the holder to engage in the business of residential electrical construction and supervision.

4. Residential Electrician's License

A Residential Electrician's License shall entitle the holder to perform all phases of residential type electrical construction.

5. Electrical Trainee Permit

An Electrical Trainee Permit shall entitle the holder to perform all phases of industrial, institutional, commercial, residential, and sign construction under the direct supervision of a licensed electrician

- (i) **Person:** A human person; not a legal entity.
- (j) **Residential:** Housing units which are used or designed to be used as living units, including all multifamily housing units.
- (k) **Routine Maintenance of Electrical Systems:** The routine and periodic servicing of electrical systems, including cleaning, inspecting, and making adjustments to insure the proper operation, and the removal or replacement of component parts. It does not include the installation of complete electrical systems.

1.2 Electrical License Required

- (a) Except as otherwise provided, no person, firm, or corporation shall engage in the activity of installing, maintaining, altering, or repairing any electrical equipment within the City of Lafayette unless such person, firm, or corporation holds a valid

Electrical License or is an electrical trainee, who has been permitted under this ordinance.

- (b) No installation of electrical equipment shall be approved without the inspection and subsequent approval of installation by the Office of the City Engineer. Advance notice of twenty-four (24) hours is to be given to the Office of the City Engineer.

1.3 Exceptions

The following exceptions are made to the above general requirements:

- (a) Any public utility engaged in the business of supplying electrical energy to the city and its inhabitants and any employee of such public utility while engaged in any of the public work or business of such public utility shall be exempt. This does not include a public utility doing private work.
- (b) Factories and manufacturing concerns shall be exempt from routine maintenance or upgrade on existing systems performed by their own employees. New installations on plant premises are subject to inspection by the Office of the City Engineer.
- (c) An employee of a recognized heating, ventilating, and air conditioning (H.V.A.C.) contractor shall be exempt while performing H.V.A.C. related work on an existing H.V.A.C. system.
- (d) Work performed by the owner, if said work shall actually be performed by the owner or member of his/her immediate family, and the owner is willing to furnish a sworn statement to that effect shall be exempt. However, the owner may only perform routine repair and maintenance if the building is to be used as a place of non-business and is a single family dwelling.

2. Board Created; Appointment, Terms, Qualifications, and Salaries of Board Members; Meetings; Powers and Duties of the Board; Power to Sue and Be Sued

2.1 Board Created

The City of Lafayette Board of Electrical Examiners is created.

2.2 Appointment of Board, Terms, Qualifications, and Salaries

- (a) The City of Lafayette Board of Electrical Examiners shall consist of six (6) members. A member of the Office of the City Engineer shall be a non-voting member of the Board. Of the five (5) voting members of the Board three (3) shall be appointed by the Mayor and two (2) by the Common Council of the City of

Lafayette. The Mayoral appointments shall consist of one (1) member from the Builders Association of Greater Lafayette, one (1) member from the Associated Builders and Contractors, and one (1) local representative that is a member of National Electrical Contractors Association. The two (2) Council appointments will be residents of the City of Lafayette to be recommended by the Mayor.

- (b) Board members shall be appointed for two (2) year terms in such a manner that two (2) terms expire on January 1 of one year and three (3) other terms expire on January 1 of the next year.
- (c) Four (4) of the five (5) appointed members shall be persons who hold an active license that has been issued in accordance with this ordinance, and the remaining appointed member shall be a person (not licensed under this ordinance) representing the public at large.
- (d) Board members shall receive no compensation but may be reimbursed for necessary expenses while conducting official Board business.

2.3 Meetings

The Board shall meet quarterly or more frequently as needed. Four (4) members of the board shall constitute a quorum for the transaction of business and any action taken shall require the affirmative vote of at least three (3) members who are eligible to vote.

2.4 Powers and Duties of the Board

- (a) The implementation and regulation of this ordinance shall be the primary responsibility of the City of Lafayette Board of Electrical Examiners.
- (b) The Board is designated as the agency of the city responsible for carrying out the provisions of this ordinance, including receiving and making determinations regarding applications from persons requesting to take the City of Lafayette Electrical Licensing Examination.
- (c) The Board may adopt and amend rules and regulations to carry out this chapter. The complete rules and regulations shall be maintained and made available to the public through the Office of the City Engineer.
- (d) The Board shall create standardized examinations for each of the five (5) different types of licenses using the format of any nationally recognized electrical examinations modified to be appropriate for the City of Lafayette. Copies of those standardized examinations shall be available at the Engineer's Office. The Board shall administer or contract to have administered, the examinations, at least once per quarter or more frequently to ensure reasonable opportunity and availability for licensing.

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- (e) The Board shall maintain an up-to-date record of all license holders, licenses, and certificates.
- (f) The Board shall collect and maintain a compilation of all complaints regarding electrical license holders. This list shall be made available to the public.
- (g) The Board is responsible for investigating any alleged violations of the provisions of this chapter or violations of any rules and regulations adopted by the Board.
- (h) The Board may levy a fine of not more than \$500.00 per occurrence against individuals and businesses in violation of this ordinance.
- (i) The Board may file a civil action for injunctive relief against individuals and businesses in violation of the provisions of this ordinance.

2.5 Power to Sue and Be Sued

The Board may sue and be sued in its official name.

3. Requirements to Obtain an Electrical License

3.1 Experience and Training Requirements

- (a) Applicants applying for a Commercial/Industrial or Residential Electrical Contractor's License, must present proof of insurance, and
 - 1. have been engaged in the practice of electrical construction for an aggregate of ten (10) years as determined and verified by the Board, or
 - 2. hold a diploma from a four (4) year electrical engineering college or university and have been engaged in the practice of the electrical construction for an aggregate of six (6) years as determined and verified by the Board, or
 - 3. pass the required examination for the particular license sought.
- (b) Applicants applying for a Commercial/Industrial Electrician's License, must present proof of insurance, and
 - 1. have been engaged in the practice of electrical construction for an aggregate of five (5) or more years as determined and verified by the Board and obtain a certification from a person holding a Commercial/ Industrial Contractor's License that the applicant has the experience and knowledge to qualify for a Commercial/Industrial Electrical License, or

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2. Pass the required examination for the Commercial/Industrial Electrician's License.
- (c) Applicants applying for a Residential Electrician's License, must present proof of insurance, and
1. have been engaged in the practice of the electrical construction for four (4) or more years as determined and verified by the Board and obtain a certification from a person holding a Residential Electrical Contractor's License that the applicant has the experience and knowledge to qualify for a Residential Electrician's License, or
 2. pass the required examination for the Residential Electrician's License.

3.2 Examination

- (a) Any person requiring to be tested to obtain a license as set forth in this Ordinance shall be required to pass an examination before the Board with a seventy (70) percent or higher score. Such examination shall evaluate the applicant's ability, experience, training, and fitness to engage in such work. Upon successfully passing the examination, paying the appropriate fees, and fulfilling all other obligations required by the Board, the applicant shall be issued a license by the City of Lafayette Board of Electrical Examiners.
- (b) Application forms for testing for licenses shall be made available at the Office of the City Engineer. Different applications may be available for the five (5) different types of Licenses.
- (c) All applications for testing must be submitted to the Board no less than fourteen (14) days prior to the test. The correct application must be completed for the examination corresponding to the five (5) different types of Licenses. Applications must be accompanied by the fees set forth in Section 3.7.
- (d) Should an applicant fail to pass an examination, having not obtained a rating of 70% or higher, the applicant may re-take the examination upon submission of an application in writing at least fourteen (14) days prior to the next specified examination date and accompanied by the specified examination fee.
- (e) Examination results shall be available to test takers within thirty (30) days after completion of the test.
- (f) Reasonable Accommodation for Individuals with Disabilities

It is the policy of the City of Lafayette Board of Electrical Examiners to provide accommodations in testing conditions to applicants with disabilities during the

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administration of the examination, to the extent such accommodations are reasonable, consistent with the nature and purpose of the examination, and necessitated by the applicant's disability. The Board's objective is to provide effective and necessary accommodations to qualified applicants as defined under the Americans with Disabilities Act, without substantially altering the nature of the examination process. Each applicant's request for test accommodations is evaluated on a case-by-case basis.

(g) Reasonable Accommodation for Individuals Who Have Limited English Proficiency.

The City of Lafayette Electrical Examination is available in English and Spanish. Accommodations for limited English proficiency other than Spanish speakers will be evaluated on a case-by-case basis.

3.3 Reporting Requirements

In order to maintain current and accurate information about companies or individuals licenses under this ordinance each must report to the Board the following information upon application for the initial license and must update the Board within ten (10) days of any changes of the same information:

- (a) name,
- (b) address,
- (c) contact information, and
- (d) any organizational or business affiliations.

3.4 Insurance

Proof of general liability insurance in the minimum amount of two hundred fifty thousand dollars (\$250,000) shall be a requirement for obtaining and renewing an electrical contractor license.

3.5 Reciprocity

- (a) The Board may, on a case-by-case basis, enter into a reciprocity agreement with another city or jurisdiction whose requirements are substantially equivalent or greater than the standards for Lafayette for purposes of issuing a license as a residential or commercial/industrial electrician, provided however, proof of insurance under 3.4 is also required.
- (b) The Board may issue a license by reciprocal agreement to an applicant provided that the applicant:

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- (1) files a completed application with the required fees and proof of insurance;
- (2) holds a current, valid, and unrestricted license to practice in another city or jurisdiction in the category applied for;
- (3) supplies a copy of the laws and rules in effect in the city or jurisdiction in which the license was issued at the time of application to the Lafayette Board which shows that the standards in the other city or jurisdiction are equivalent to or greater than the standards in effect in Lafayette; and
- (4) provides official written verification directly from the other city or jurisdiction that the license is active and in good standing.

3.6 Fees

- (a) Examination fees. Examination fees will cover the costs of administering the exam and will be set by the Board. The fees for examination must accompany the submission of the application. In the event the applicant does not appear for the examination on the scheduled date, the fee will be forfeited.
- (b) License fees. Upon successful completion of the examination, the payment of the license fees as listed below shall be made within 30 days.

Commercial/Industrial Electrical Contractor's License	\$200.00
Annual Renewal Fee	\$100.00
Residential Electrical Contractor's License	\$150.00
Annual Renewal Fee	\$ 75.00
Commercial/Industrial Electrician's License	\$ 50.00
Annual Renewal Fee	\$ 20.00
Residential Electrician's License	\$ 25.00
Annual Renewal Fee	\$ 15.00
Electrical Trainee Permit	\$ 15.00
Annual Renewal Fee	\$ 10.00

- (c) The fee for a temporary permit shall be \$25.00 and shall issue for sixty (60) days.
- (d) The late renewal fee is \$25.00.
- (e) Fees are non-refundable.

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4. Licenses, Temporary Permits, Continuing Education, and Expiration and Renewal

4.1 Licenses

An electrician may only perform the type of electrical work for which he/she holds a license. The following license classifications are established as defined in 1.1(h):

1. Commercial/Industrial Electrical Contractor's License
2. Residential Electrical Contractor's License
3. Commercial/Industrial Electrician's License
4. Residential Electrician's License
5. Electrical Trainee Permit

4.2 Temporary Permits

An Electrician holding a valid license from another town, city, or municipality who can show satisfactory completion of a BAT approved electrical apprenticeship program, may be issued a temporary work permit for a period of thirty (30) days. The permit may be renewed, before the permit expires, for two (2) additional thirty (30) day periods. Such temporary permits will be issued only to employees employed by contractors holding a Commercial/Industrial or Residential Electrical Contractor's License.

4.3 Continuing Education

- (a) No license shall be renewed unless the continuing education requirements imposed by this rule have been met prior to the request for license renewal.
- (b) To receive credit for continuing education, courses or seminars must have prior approval of curriculum by the Board. Approval of course curriculum shall be at the discretion of the Board. Each course shall be assigned a course approval number by the Board to be listed on the certificate of completion.
- (c) Request for approval of courses for continuing education credit must be made no later than the board meeting next preceding the seminar.
- (d) Completion certificates for courses and seminars must be attached to the application for license renewal.

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(e) Completion certificates must contain the following:

1. name of person completing the course,
2. date of the course,
3. location of the course,
4. title of the course including course approval number assigned by the Board,
5. amount of time spent in the course,
6. name of instructor, and
7. name of sponsoring agency.

(f) License holders must complete thirty (30) hours of continuing education in each five (5) year period.

4.4 Expiration and Renewal of License

- (a) All licenses issued under the terms of this chapter shall expire three hundred sixty-five (365) days from the date of issuance.
- (b) When a license expires, a license holder no longer has appropriate insurance, or a license holder no longer holds an appropriate bond the license holder shall not work as an electrician until a new or renewed license has been issued.
- (c) License holders may apply for license renewal on a form obtained from the Office of the City Engineer.
- (d) Renewal applications must be received in the Office of the City Engineer no later than fourteen (14) days after expiration without being subject to a late fee.
- (e) Renewal applications received in the Office of the City Engineer more than fourteen (14) days after the expiration date may apply for renewal; however, a late filing fee must be paid.
- (f) Every five (5) years, license renewal applicants must submit either:
 - (1) thirty (30) hours of continuing education completion certificates or
 - (2) results of re-examinationwith the renewal application. Licenses will not be renewed without proof of thirty (30) hours of continuing education or a score of 70% or higher on the licensing exam taken within the prior four (4) years.

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- (g) Proof of insurance must be attached to the renewal application.
- (h) If an application for renewal is made six (6) months or more after the expiration date, the application will be treated as a new application and the applicant must take and pass the licensing examination.

5. Display of License

Every person holding a license issued by the Board shall carry the license on his/her person at all times when employed in the electric trade and must produce the license upon request by the City Electrical Inspector or a member of the Board. Further, failure to have a license as required pursuant to the terms of this Ordinance may result in a Stop Work Order issued by the Engineer's Office, until compliance occurs.

6. Suspension of License

The Board is authorized to suspend for any determinate period the license of any electrical contractor issued under the provisions of this chapter for violations of provisions of this ordinance or of the National Electric Code (NEC). All such suspensions shall be made after a hearing by the Board. Such actions shall be in writing and shall set forth specifically the reasons for such suspension by the Board.

7. Appeal Process

An aggrieved person may appeal any action taken by the Board by filing with the Board of Public Works and Safety of Lafayette a written statement detailing the complaint and the relief sought.

8. Complaints

- (a) A person, government, or private entity may submit a written complaint to the board charging a license holder or license applicant with a violation of an electrical code statute or Board rules and specifying the grounds for the complaint.
- (b) The Board may develop complaint handling procedures.

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- (c) If reasonable cause for a violation is found, the Indiana Administrative Orders and Procedures Act, Ind. Code § 4-21.5-1 through 4-21.5-7, shall be followed for all disciplinary proceedings undertaken.

9. Penalty Clause

Whoever violates any provision of this Chapter for which no penalty is otherwise provided, shall be fined not more than one thousand dollars (\$1,000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

10. The enforcement provisions of this Ordinance shall take effect of the _____ day of _____, 2009.

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ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette,
Indiana this _____ day of _____, 2008

Ron Campbell, President

ATTEST:

Cindy L. Murray, City Clerk

Presented by me to the Mayor of Lafayette, Indiana, for this approval and signature this
_____ day of _____, 2008.

Cindy L. Murray, City Clerk

This Ordinance approved and signed by me on this _____ day of _____ 2008.

Tony Roswarski, Mayor

ATTEST:

Cindy L. Murray, City Clerk

Sponsored by: Edward Chosnek, City Attorney